

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Cargill Meat Solutions Corporation,

Respondent

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P. & S. Docket No. D-19-J- 0087

Decision and Order Without Hearing  
By Reason of Consent

REC'D - USDA/OALJ/OHC  
2019 MAY 16 PM 4:00

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229c) ( the Act), by a Complaint and Notice of Hearing filed by the Acting Deputy Administrator, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that Cargill Meat Solutions Corporation (Respondent) violated the Act and regulations issued thereunder (the regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondent in connection

with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

#### Findings of Fact

Respondent is a corporation and existing under the laws of the state of Delaware, located in Wichita, KS. Its business mailing address is PO Box 2519, Wichita, KS 67201.

(a) Respondent, at all times material herein, conducted operations at, among other places, 1530 W. HWY 60, Friona, Texas.

(b) Respondent is, and at all times material herein was:

1. Engaged in the business of buying livestock in commerce for the purposes of slaughter;
2. Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and
3. A packer within the meaning of and subject to the provisions of the Act.

#### Conclusion

Respondent, having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, this consent decision will be entered.

#### Order

Respondent, its agents and employees, directly, or indirectly, or through any corporate device, in connection with operations subject to the Act, shall cease and desist from failing to meet applicable accuracy tolerances established by the National Institute of Standards and Technology ("NIST") with regard to the dynamic monorail scale at Cargill's cattle processing plant in Friona, Texas.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent Cargill Meat Solutions Corporation is assessed, jointly and severally, a civil penalty in the amount of twenty two thousand, five hundred dollars (\$22,500.00), and will be sent via certified check or money order to: USDA-FTPP, P&S (GIPSA) Lock Box, P.O. BOX 790335, ST. LOUIS, MO 63179-0335

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon on the sixth (6th) day after service of this Consent Decision and Order on Respondent.

Copies of this consent decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 16<sup>th</sup> day of May, 2019

[Redacted Signature]

Chief Administrative Law Judge

*Channing D. Strother*

Cargill Meat Solutions Corporation  
Respondent,

By: [Redacted Signature]

Title: VICE - PRESIDENT, LAW  
For Respondent

CHRISTOPHER [Redacted]  
YOUNG [Redacted]

Christopher Young  
Attorney for Complainant